



U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation
State Program



<div>1. Permittee/Person <div>OXBOW MINING LLC</div></div> <div>2. Address <div>1601 FORUM PLACE SUITE 1400</div></div> <div>3. City <div>WEST PALM BEACH</div></div> <div>4. State <div>FL</div></div> <div>5. Zip Code <div>33401</div></div> <div>6. Phone Number <div>(561) 697-4300</div></div> <div>7. Operator Name, if Different than Permittee <div>TERROR CREEK LLC</div></div> <div>8. Mine Name <div>TERROR CREEK LOADOUT</div></div>		<div>9. Permit Number <div>C1983059</div></div> <div>10. Permit Type <div>PP</div></div> <div>11. Field Visit Date <div>8/27/2024</div><small>mm - dd - yyyy</small></div> <div>12. Purpose <div>OP</div></div> <div>13. SRA Present <div>Y</div></div> <div>14. Permit Status <div>A</div></div> <div>15. Site Status <div>NM</div></div> <div>16. Facility Type <div>ACF</div></div> <div>17. OSM Office # <div>140</div></div> <div>18. CCID # <div></div></div> <div>19. Land Code <div>S</div></div> <div>20. M.S.H.A. ID # <div>05-03818</div></div> <div>21. State Abbrev. <div>CO</div></div> <div>22. County/Burrough <div>DELTA</div></div> <div>23. AVS Permittee Entity ID Number <div>151178</div></div> <div>24. State Office <div></div></div>																	
<div>25. Hours</div> <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="width:10%; text-align: center;">2.0</td><td>a. Permit Review</td></tr><tr><td style="text-align: center;">2.0</td><td>b. Site Visit Time</td></tr><tr><td style="text-align: center;">6.0</td><td>c. Travel Time</td></tr><tr><td style="text-align: center;">10.0</td><td>d. Report Writing</td></tr></table>		2.0	a. Permit Review	2.0	b. Site Visit Time	6.0	c. Travel Time	10.0	d. Report Writing	<div>26. Signature Block</div> <div style="text-align: center;"><div>Signature:</div><div><div>Daniel MacKinnon, ID#554</div><div>Inspector's Name:</div></div><div>Date: <div>10/1/2024</div></div></div>		<div>27. Reviewing Official:</div> <div style="text-align: center;"><div>Signature:</div><div><div>Howard Strand</div><div>Reviewer's Name:</div></div><div>Date: <div>10/3/2024</div></div></div>							
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<div>Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit</div> <div>Purpose Type Codes - Item 12</div> <table border="0" style="width:100%;"><tr><td style="width:33%;">Oxx...Oversight</td><td style="width:33%;">RFx...Reclamation Fees</td><td style="width:33%;">CCR...Citizen Complaint Referral (non-site visit)</td></tr><tr><td>Axx...Assistance</td><td>Fxx...Federal Actions</td><td>CC...Citizen Complaint (initial site visit)</td></tr><tr><td></td><td></td><td>CCF...Assistance</td></tr></table> <div>Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site</div> <div>Permit Status - Item 14</div> <table border="0" style="width:100%;"><tr><td style="width:40%; vertical-align: top;">A Active: Coal mining activities occurring or permitted but not yet disturbed. IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. 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<div>Small Business Regulatory Enforcement Fairness Act (SBREFA)</div> <div>Your Comments are Important</div> <div>The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).</div>																			
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U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation

Permittee/
Person **OXBOW MINING LLC**

Permit
Number **C1983059**

Field Visit
Date **8/27/2024**

State Program
Continuation Page

28. Performance Standard Categories

Codes:1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

A. Administrative

1. Mining within Valid Permit
2. Mining within Bonded Area
3. 1 Terms & Conditions of Permit
4. Liability Insurance
5. Ownership and Control
6. Temporary Cessation
7. AML Rec. Fees - Non-Respondent
8. AML Rec. Fees - Failure to Pay

B. Hydrologic Balance

1. 1 Drainage Control
2. Inspections & Certifications
3. 1 Siltation Structures
4. 1 Discharge Structures
5. 1 Diversions
6. Effluent Limits
7. Ground Water Monitoring
8. Surface Water Monitoring
9. Drainage - Acid-Toxic Materials
10. 1 Impoundments
11. Stream Buffer Zones

C. Topsoil & Subsoil

1. Removal
2. Substitute Materials
3. 1 Storage and Protection
4. Redistribution

D. Backfilling & Grading

1. Exposed Openings
2. Contemporaneous Reclamation
3. Approximate Original Contour
4. Highwall Elimination
5. Steep Slopes (includes downslope)
6. Handling of Acid and Toxic Materials
7. Stabilization (rills and gullies)

E. Excess Spoil Disposal

1. Placement
2. Drainage Control
3. Surface Stabilization
4. Inspections & Certifications

F. Coal Mine Waste

(Refuse Piles/Impoundments)

1. Drainage Control
2. Surface Stabilization
3. Placement
4. Inspections & Certifications
5. Impounding Structures

G. Use of Explosives

1. Blaster Certification
2. Distance Prohibitions
3. Blast Survey/Schedule
4. Warnings & Records
5. Control of Adverse Effects

H. Subsidence Control Plan

I. Roads

1. Road Construction
2. Certification
3. Drainage
4. 1 Surfacing and Maintenance
5. Reclamation

J. Signs & Markers

1. Signs
2. Markers

K. Distance Prohibitions

L. Revegetation

1. Vegetative Cover
2. Timing

M. Postmining Land Use

N. Other

General
Performance
Category

<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Performance Standard Categories 30 CFR Counterparts

A. Administrative

- | | |
|-----------------------------------|-------------------------|
| 1. Valid Permit | 773.11 |
| 2. Mining within Bonded Area | 773.11 |
| 3. Terms & Conditions of Permit | 773.17 |
| 4. Liability Insurance | 800.60 |
| 5. Ownership and Control | 778.13 |
| 6. Temporary Cessation | 842.11(e) & 816/817.131 |
| 7. AML Rec. Fees - Non-Respondent | 870.15(b) |
| 8. AML Rec. Fees - Failure to Pay | 870.15(a) |

B. Hydrologic Balance (816/817.41-57)

- | | |
|-------------------------------------|-----------|
| 1. Drainage Control | 45 |
| 2. Inspections & Certifications | 49(a)(10) |
| 3. Siltation Structures | 46 |
| 4. Discharge Structures | 47 |
| 5. Diversions | 43 |
| 6. Effluent Limits | 42 |
| 7. Ground Water Monitoring | 41(c) |
| 8. Surface Water Monitoring | 41(e) |
| 9. Drainage--Acid - Toxic Materials | 41(f) |
| 10. Impoundments | 49 |
| 11. Stream Buffer Zones | 57 |

C. Topsoil & Subsoil (816/817.22)

- | | |
|---------------------------|-------|
| 1. Removal | 22(a) |
| 2. Substitute Materials | 22(c) |
| 3. Storage and Protection | 22(c) |
| 4. Redistribution | 22(d) |

D. Backfilling & Grading (816/817.95-107)

- | | |
|---------------------------------------|-----------------------------------|
| 1. Exposed Openings | 816/817.13, 14, 15, & 823.11 & 21 |
| 2. Contemporaneous Reclamation | 100 |
| 3. Approximate Original Contour | 102(a)(1) |
| 4. Highwall Elimination | 102(a)(2) |
| 5. Steep Slopes (includes downslope) | 107 |
| 6. Handling of Acid & Toxic Materials | 102(c) |
| 7. Stabilization (rills and gullies) | 95(b) |

E. Excess Spoil Disposal (816/817.71-74)

- | | |
|---------------------------------|-------|
| 1. Placement | 71(e) |
| 2. Drainage Control | 71(f) |
| 3. Surface Stabilization | 71(g) |
| 4. Inspections & Certifications | 71(h) |

F. Coal Mine Waste (Refuse Piles/Impoundments) (816/817.81-84)

- | | |
|-----------------------------------|-------|
| 1. Drainage Control | 83(a) |
| 2. Surface Stabilization | 83(b) |
| 3. Placement | 83(c) |
| 4. Inspections and Certifications | 83(d) |
| 5. Impounding Structures | 84 |

G. Use of Explosives (816/817.61-68)

- | | |
|-------------------------------|---------|
| 1. Blaster Certification | 61(c) |
| 2. Distance Prohibitions | 61(d) |
| 3. Blast Survey/Schedule | 62-64 |
| 4. Warnings & Records | 66 & 68 |
| 5. Control of Adverse Effects | 67 |

H. Subsidence Control Plan (817.121-122)

I. Roads (816/817.150-151)

- | | |
|------------------------------|---------------|
| 1. Road Construction | 150(c) |
| 2. Certification | 151(a) |
| 3. Drainage | 150(b)-151(d) |
| 4. Surfacing and Maintenance | 150(e)-151(d) |
| 5. Reclamation | 150(f) |

J. Signs & Markers (816/817.11)

- | | |
|------------|-----------------------|
| 1. Signs | 11(a),(b),(c) |
| 2. Markers | 11(a),(b),(d),(e),(f) |

K. Distance Prohibitions (761.11)

L. Revegetation (816/817.111-116)

- | | |
|---------------------|-----------|
| 1. Vegetative Cover | 111 & 116 |
| 2. Timing | 113 |

M. Postmining Land Use (816/817.133)

OSM Action

- | | |
|-----------------------------|--|
| 1) Deferred to State Action | 6) ID-CO Issued (Imminent Danger to Public) |
| 2) TDN Issued | 7) Previously cited by RA, abatement pending |
| 3) NOV Issued | 8) Abated during or before OSM inspection |
| 4) FTA-CO Issued | 9) Follow-up of Federal Action |
| 5) IH-CO Issued | 0) Off-site impact with no violation |

Off-Site Impacts

For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
N - Minor Occurrence
D - Moderate Occurrence
J - Major Occurrence

MINE SITE INSPECTION NARRATIVE

COMPANY: Oxbow Mining LLC

SITE: Terror Creek Loadout

PERMIT NO: C-1983-059

DATE OF INSPECTION: August 27, 2024

WEATHER: Warm and sunny.

Company Officials (i.e. operator's representative): None

Division of Reclamation, Mining and Safety (DRMS) Official: Leigh Simmons

OSMRE Official: Dan MacKinnon (badge #554)

Overview

This partial oversight inspection focused on the area currently leased by Oxbow Mining LLC to other private interests (e.g. fracking operator). OSMRE did not find issue with the current status of the permitted site (clean, stable, and well-maintained) other than the presence of a few non-desired plant species. No enforcement actions were issued as a result of this inspection, nor are any pending.

Inspection

Ponds and Ditches. All ponds and ditches were stable and fully functional at the time of inspection. One pond, the Sedimentation Pond, was holding water but not discharging at the time of inspection (Figure 1).

Structures Supporting Industrial / Commercial Postmining Land Use. All structures were stable at the time of inspection. The largest concrete pad on the site contains a large temporary structure that held fracking sand at the time of inspection (Figure 2). A smaller concrete pad (leased by a private contractor) houses another temporary structure along with tools, equipment, and other items (Figure 3). A house is currently unoccupied and was not inspected other than to view it from a distance of at least 100 feet (Figure 4).

Vegetation and Topsoil Storage. The site is well vegetated; however, non-desired plant species persist in some areas (e.g. cheatgrass along a concrete pad slope, Figure 5). The topsoil storage pile is stable with ample vegetation present (Figure 6).



Figure 1 - The Sedimentation Pond, stable, holding water, and fully functional at the time of inspection.



Figure 2 - A temporary structure and security fence on a concrete pad currently leased to private interests.



Figure 3 - A concrete pad leased by a general contractor at the time of inspection.



Figure 4 - A vacant house within the permit boundary.



Figure 3 - A stable slope with cheatgrass present.



Figure 4 - The topsoil pile with sign on its crest. This storage pile was stable and well-vegetated at the time of inspection.